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Attorney for Plaintiff Brooke Lynn Azevedo

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BROOKE LYNN AZEVEDO,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,  
Defendant.

Case No.: 2:22-CV-01925-MCE-KJN

STIPULATION AND ORDER APPROVING  
SETTLEMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT,  
28 U.S.C. §2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded TEN THOUSAND DOLLARS (\$10,000.00) in attorney fees and ONE HUNDRED FIFTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$115.27) in expenses under the Equal Access to Justice Act ("EAJA"). These amounts represent compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action in accordance with 28 U.S.C. §2412(d).

After the Court issues an order awarding EAJA fees and expenses to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order awarding EAJA fees and expenses is entered, the Government will determine whether the fees

are subject to any offset. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government shall cause the payment of fees and expenses to be made directly to Barbara Marie Rizzo, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees pursuant to the Social Security Act, 42 U.S.C. §406(b), subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: May 23, 2023

"/s/Barbara Marie Rizzo"  
BARBARA MARIE RIZZO  
Attorney for Plaintiff

Dated: May 23, 2023

"/s/Geralyn Gulseth"  
GERALYN GULSETH  
(As authorized via e-mail)  
Special Assistant United States Attorney  
Attorney for Defendant  
Kilolo Kijakazi, Acting Commissioner  
of Social Security

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BROOKE LYNN AZEVEDO,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
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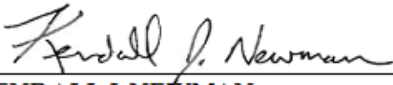
Case No.: 2:22-CV-01925-MCE-KJN

ORDER GRANTING  
PARTIES' STIPULATION FOR  
ATTORNEY FEES AND EXPENSES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. §2412(d)

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of TEN THOUSAND DOLLARS (\$10,000.00) and expenses and in the amount of ONE HUNDRED FIFTEEN DOLLARS AND TWENTY-SEVEN CENTS (\$115.27), as authorized by 28 U.S.C. §2412(d), subject to the terms of the above referenced Stipulation.

IT IS SO ORDERED.

Dated: June 1, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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